

REMARKS

The rejections under 35 U.S.C. § 103(a) of Claims 1-3, 5 and 8-16 as unpatentable over JP 10-188339 (JP '339) in view of JP 06-044608 (JP '608), and of Claims 1-3, 5, 6 and 8-16 as unpatentable over JP '339 in view of JP '608, and further in view of US 4,735,839 (Sato), are respectfully traversed.

One of the rationales behind these rejections appears to the Examiner's finding that Claim 1 does not require that the light transmitting layer be directly in contact with the dielectric layer. The Examiner appears to be interpreting Claim 1 as inclusive of the metallic reflection layer of JP '339. If so, it is now clear that the light transmitting layer is directly in contact with the dielectric layer in the present invention. In addition, JP '339 discloses that the signal was recorded and reproduced with the laser beam through the substrate of 0.6 mm thickness [0041]-[0042]. 0.6 mm corresponds to 600 μm . However, JP '339 neither discloses nor suggests recording and reproducing information with the laser beam through the opposite side of the substrate, i.e., through the light transmitting layer. In other words, the medium of the present invention, having a light-transmitting layer as recited, corresponds to a Blu-ray disk format, as described in the specification at page 34, line 16 to page 35, line 19. The medium of JP '339, on the other hand, which comprises a substrate having a thickness of 0.6 mm, corresponds to a conventional DVD format.

The Examiner relies on JP '608, concluding that it would have been obvious to modify Example 4 of JP '339 by adding dielectric layers on one or both surface of the reflective layer. But even if such a modification were made, the result would still not be the presently-claimed invention.

The Examiner relies on Sato et al for a disclosure of adding a quencher. But even if a quencher were added in the optical recording medium resulting from the combination of JP '339 and JP '608, the result would still not be the presently-claimed invention.

For all the above reasons, it is respectfully requested that these rejections be withdrawn.

The rejections under 35 U.S.C. § 103(a) of Claims 1-3, 5 and 7-16 as unpatentable over “either of” US 2003/0099807 (Berneth et al) in view of JP ‘339, and of Claims 1-3 and 5-16 as unpatentable over “either of” Berneth et al in view of JP ‘339, further in view of Sato et al and EP 1103962 (Sabi et al), are respectfully traversed.

The above-amended claims now require that lands and grooves be formed on the supporting substrate with the grooves being 60 to 150 nm in depth. As described in the specification at page 11, line 23 to page 12, line 1, by setting the depth of the groove within this range, sufficient tracking control is achieved and cross-talk can be prevented. The First Embodiment of Berneth et al discloses 40 nm as groove depth [0032]. In addition, Berneth et al discloses that data can be recorded in both grooves and lands in their first embodiment [0032], and does not disclose recording data only in the land area. The present claims as above amended now recite that only the land area serves as a recording area.

The disclosures and deficiencies of JP ‘339 and Sato et al have been discussed above. Neither JP ‘339, nor combined with Sato et al, remedy the above-discussed deficiencies in Berneth et al. Sabi et al discloses an optical recording medium including a recording layer containing an organic recording material, and a dielectric layer covering at least one main surface of the recording layer, in order to prevent the organic material from being dissolved into an adjacent layer. It is not clear why one skilled in the art would combine Sabi et al with the remaining prior art but even if combined, it would still not remedy the above-discussed deficiencies in the combination of Berneth et al, JP ‘339 and Sato et al.

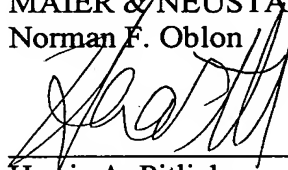
For all the above reasons, it is respectfully requested that this rejection be withdrawn.

The rejection of Claim 5 under 35 U.S.C. § 112, second paragraph, is respectfully traversed. Indeed, the rejection would now appear to be moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that the rejection be withdrawn.

All of the presently-pending claims in this application are now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Harris A. Pitlick
Registration No. 38,779

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)